

REMARKS

In response to the Office Action dated July 2, 2003, Applicant respectfully requests reconsideration based on the above claims amendment and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1, 4, 7-9, 12 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,526,924 to Klutznick ("Klutznick"). Claims 1, 4, 7-9, 12 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,896,805 to Klaczak ("Klaczak"). Claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,471,872 to Dedow ("Dedow") in view of Klaczak and U.S. Patent No. 6,182,878 to Racca ("Racca"). Applicant has herein amended claims 1, 5, 7, 9, 11-12 and 18. Applicant submits that no new matter has been added. Applicant respectfully traverses the claim rejections as follows.

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-17 were rejected under 35 U.S.C. § 112, second paragraph, because, according to the Office Action, "attached to pocket" is incomplete and indefinite. Claim 1 has been amended to overcome this rejection. Claims 2-17 depend either directly or indirectly from claim 1.

Claim 7 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, because, according to the Office Action, there is "insufficient antecedent basis" for the limitation "the fastener." Claim 7 has been amended to overcome this rejection by replacing "fastener" with "retainer."

Reconsideration and withdrawal of the § 112 rejections of claims 1-17 and 7 is respectfully requested.

Claim Rejections under 35 U.S.C. § 102(b)

Applicant submits that Klutznick does not disclose all of the elements of amended independent claim 1. For example, Applicant submits that Klutznick does not disclose, among other things, "a reclosable pocket closure attached to the pocket" as claimed in amended independent claim 1. Further, Applicant submits that Klutznick does not disclose, among other things, the pocket closure "completely covering the pocket opening" as claimed in amended independent claim 1.

Klutznick discloses a pouch for eyewear having a flap portion that is a part of a rear panel. See Klutznick, col. 2, lines 57-58. Such a flap is not *attached* to the pocket, nor does it completely cover the pocket opening as claimed in claim 1. See Klutznick, Figure 3. Thus, Applicant submits that Klutznick does not disclose all of the elements of independent claim 1.

Applicant further submits that Klaczak does not disclose all of the elements of amended independent claim 1. For example, Applicant submits that Klaczak does not disclose, among other things, "a reclosable pocket closure attached to the pocket and completely covering the pocket opening" as claimed in amended independent claim 1.

Klaczak discloses an improved carrying case for a small portable electronic device having a flap portion that is a part of a rear panel. See Klaczak, Figure 2. Such a flap is not *attached* to the pocket, nor does it completely cover the pocket opening as claimed in amended claim 1 of the Subject Application. Thus, Applicant submits that Klaczak does not disclose all of the elements of amended independent claim 1.

In view of the foregoing, Applicant submits that independent claim 1, and dependent claims 4, 7-9, 12 and 18, which depend therefrom, respectively, are patentable over the cited references.

Claim Rejections under 35 U.S.C. § 103(a)

Applicant submits that Dedow, Klaczak and Racca, alone or in combination, do not disclose all of the elements of amended independent claims 1 and 18. For example, Applicant submits that neither Dedow, Klaczak and Racca disclose, alone or in combination, among other things, a pocket closure or means for selectively retaining attached to a pocket or means for supporting as claimed in independent claims 1 and

18. Thus, Applicant submits that Klaczak, Racca and Dedow, alone or in combination, do not disclose all of the elements of independent claims 1 and 18.

Further, there is no motivation to combine the teachings of Klaczak and Racca with those of Dedow. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP (8<sup>th</sup> Ed.) § 2143.01. Dedow is a conductive *resealable* pouch having *three* layers that is provided for removing and re-inserting components for working with the components at successive workstations. See Dedow, col. 2, lines 42-46 and col. 5, lines 22-24. The pouch substantially seals the components within the pouch with the interlocking device or otherwise with VELCRO running the length of the opening. See Dedow, Figure 7 and col. 3, lines 31-34.

One skilled in the art may recognize it worthwhile to carry around glasses, as in Klutznick, or to carry around a cell phone, as in Racca. However, the carrying of removable memory components of a device wherein the carrier attaches to a portion of the device is not obvious as there is no motivation to combine the teachings of Klaczak and Racca with Dedow. Further, there is no suggestion in these references for the attachment of a component carrier to the device from which it may be utilized.

In view of the foregoing, Applicant submits that independent claims 1 and 18, and dependent claims 2-17, which depend from independent claim 1, are not obvious over Dedow in view of Klaczak and Racca.

## CONCLUSION

Applicant respectfully requests a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is

in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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